

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH JEFFEREY BRICE,

Defendant.

NO. CR-11-0075-LRS

**RECONSIDERATION OF ORDER
SETTING CONDITIONS OF RELEASE**

BEFORE THE COURT, on November 29, 2011, is the government's expedited Motion for Review of the Order Setting Conditions of Release (ECF Nos. 67, 68), heard with oral argument on November 29, 2011. Defendant was present, in the custody of the U.S. Marshal, and represented by Matt Campbell. The government was represented by Assistant U.S. Attorney Joe Harrington. The Court reviewed the Order Setting Conditions of Release, ECF No. 63, filed November 23, 2011, by the Magistrate Judge. The government argued that there are no conditions of release that will reasonably assure that the Defendant will not flee and that would assure the safety of any other person or the community pursuant to 18 U.S.C. § 3142. After considering the oral and written arguments of counsel, the Court upheld the November 23rd Order, with the

1 addition of several specific conditions. This order is entered to
2 memorialize and supplement the Court's oral ruling.

3 **IT IS HEREBY ORDERED:**

4 1. The government's Motion to Expedite Hearing, **ECF No. 68**, is
5 **GRANTED**.

6 2. The government's Motion for Review of the Order Setting
7 Conditions of Release, **ECF No. 67**, is **GRANTED in part and DENIED in**
8 **part**. The Court has reviewed said Order (ECF No. 63) and finds it
9 appropriate, with the addition of further specific conditions.
10

11 3. All conditions imposed by United States Magistrate Judge
12 Cynthia Imbrogno dated November 23, 2011, remain in effect:

13 The defendant is subject to the following additional conditions
14 of release:

15 4. The residence of the defendant's father is subject to a
16 personal home assessment by Pretrial Services and/or other law
17 enforcement personnel to determine the appropriateness of this
18 residence for release.

19 5. At no time shall the defendant have access to Valley Dental
20 Labs, which is located on the grounds of the father's residence.

21 6. The defendant, upon approval of the release residence by
22 Pretrial Services, may be released by or before 2:00 pm on November
23 30, 2011.
24
25
26

1 7. Following his release, the defendant may be transported by
2 either his father, Jeff Brice, or his brother, Scott, Brice, from
3 Spokane, Washington, to Clarkston, Washington.

4 8. The defendant shall be confined to his approved release
5 residence prior to and following surgery, and shall participate in a
6 program of home detention at the direction of Pretrial Services.
7 Additionally, the defendant shall be subject to the application of
8 Location Monitoring, to be determined by Pretrial Services, upon
9 discharge from his medical procedure. If medically able to travel,
10 the defendant shall report to Pretrial Services in Spokane,
11 Washington, within one business day following surgery for the
12 application of the required Location Monitoring equipment.
13

14 9. The defendant shall provide full release of all medical
15 information relative to the procedure being performed during this term
16 of release to Pretrial Services and the U.S. Attorney's office.

17 10. The defendant is required to attend all scheduled Court
18 appearances, including a status conference following the completion of
19 surgery and **SET for December 19, 2011 at 1:30 p.m. in Spokane,**
20 **Washington, before the Magistrate Judge.** The purpose of this status
21 conference is to determine Defendant's post-operative recovery period,
22 furlough length, and return to incarceration.
23

24 11. **RELEASE SHALL NOT OCCUR UNTIL THE PERSONAL HOME ASSESSMENT**
25 **DESCRIBED IN PARAGRAPH 4 HAS BEEN COMPLETED AND SAID HOME DETERMINED**
26 **TO BE SATISFACTORY FOR THE ANTICIPATED FURLOUGH.**

